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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,999	02/20/2002	Richard Kennedy	1662-54900 JMH (P01-3739)	1325

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EXAMINER	
JACKSON, BLANE J	
ART UNIT	**PAPER NUMBER**
2685	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/080,999	KENNEDY, RICHARD	
	Examiner	Art Unit	
	Blane J Jackson	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-9,32-36,38,40 and 41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-9,32-36,38,40 and 41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 February 2002* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. The Examiner appreciates the applicant's representative comments in the response due to the lack of clarity and poor organization of the Non Final Office Action. For example, the 102 rejection for claims 10 and 16 is unclear in that the CPU and memory coupled to the CPU is (inherently) part of the mobile telephone rather than the camera device; however, it is clear to recognize that the mobile telephone contains two transceivers for receiving and sending images where the first transceiver is broadly claimed as providing communication to the portable (camera) device without defining a wireless connection. Therefore the rejection had merit. These claims stand withdrawn but would be addressed as discussed if presented.

Similarly, the argument for rejection 32 is valid in that Fukuoka alone does not teach a wireless link between the portable electronic device and an intermediate (telephone) electronic device. However, the secondary reference of Harris does teach this capability as was represented in claim 1 and shown in the following rejection.

The examiner disagrees with the argument for claims 1, 2, 5-9, 34-36, 40 and 41 that neither Fukuoka or Harris teaches a transceiver wirelessly transmits the image to a remote storage device through an intermediate (telephone) electronic device. Harris is introduced to teach a PDA with a camera attached and a Bluetooth connection to a remote telephone, column 2, lines 10-19 and column 3, lines 9-17. This is clarified in the following rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 5-9, 32-36, 38, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka (U.S. Patent 6,300,976) with a view to Harris (U.S. Patent 6,738,643).

As to claims 1 and 2, Fukuoka teaches a portable electronic device comprising:

a CPU (figure 6, a camera, column 2, lines 46-55, with CPU (23), column 5, lines 29-33),

A transceiver coupled to said CPU, the transceiver capable of *wired* communications (figure 3, I/O card (24) is the transceiver for a wired connection between the camera and cellular telephone (32), column 3, lines 27-48),

A memory unit coupled to the CPU (figure 6, memory card (16), column 2, lines 45-64, column 12, lines 17-30),

An image capture device coupled to the CPU, the image capture device acquires an image (figure 6, image circuits (6) coupled to CPU (23), column 4, lines 35-63),

Wherein the *transceiver transmits* the image to a remote storage device through an intermediate electronic device (figures 3 and 5, images transmitted through a cellular

telephone to a computer or remote storage device, column 4, lines 15-19, column 3, lines 39-45),

Wherein the transceiver automatically begins transmitting images after the image is acquired by the image capture device (the I/O card transceiver manages the images in a monitoring mode, column 4, lines 15-34).

Fukuoka teaches an I/O card to perform a wired connection to the intermediate electronic device (telephone) with a wireless connection from the intermediate electronic device to the remote storage device but does not teach a wireless connection between the image capture device and intermediate electronic device.

Harris teaches a personal digital assistant with attached camera comprising a Bluetooth module to wireless link images to a nearby cellular telephone and or PSTN telephone (figures 2 and 4, column 2, lines 10-22 and the camera: column 3, lines 1-17).

It would have been obvious to one skilled in the art at the time of the invention to modify the easily convertible I/O card of Fukuoka with a Bluetooth module as taught by Harris to facilitate a convenient wireless transfer of data between the camera and intermediate electronic device (cellular telephone).

As to claims 5-7, 40 and 41, Fukuoka teaches a system to command and control a remote digital camera including commands to change the amount of compression or aspect of images, take a picture or a series of moving pictures, to flash, focus, exposure, audio etc. (column 9, line 40 to column 10 line 65) with an awareness of

when the camera memory is full (Abstract). Since Fukuoka also teaches a camera system to remotely transmit and receive images from a connected computer (column 4, lines 3-19), it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fukuoka with a command to begin transmitting the images stored in the camera when the CPU determines the memory is full or has reached some capacity point in the normal procedure to remotely store and to maintain operation.

As to claims 8 and 9, with respect to claim 1, Fukuoka teaches the transmitter (transceiver) of the portable electronic device may receive images from the remote storage device, the Bluetooth connection protocol discussed in claim 1 (specifically send/ receive from a local or remote computer but through the same I/O card where the source is not restricted, column 4, lines 3-19).

As to claim 32, Fukuoka teaches a method for remote data storage and retrieval for portable electronics comprising:

Acquiring an image with a portable electronic device (figures 1 and 6, digital camera (30), column 2, lines 46-67),

Transmitting said image to an intermediate electronic device using *wired* communications,

Further transmitting said image to a cellular network using wireless communications wherein the cellular network is also connected to the Internet (portable

electronic device with wired connection to the cellular telephone and wireless telephone to an on line service, the Internet, column 3, lines 27-41),

Further transmitting said image to a remote storage device wherein said storage device is also connected to the Internet (AOL would inherently be a form of remote file storage device, column 3, lines 39-45).

Fukuoka teaches an I/O card to perform a wired connection to the intermediate electronic device (telephone) with a wireless connection from the intermediate electronic device to the remote storage device but does not teach a wireless connection between the image capture device and intermediate electronic device.

Harris teaches a personal digital assistant with attached camera comprising a Bluetooth module to wireless link images to a nearby cellular telephone and or PSTN telephone (figures 2 and 4, column 2, lines 10-22 and the camera: column 3, lines 1-17).

It would have been obvious to one skilled in the art at the time of the invention to modify the easily convertible I/O card of Fukuoka with a Bluetooth module as taught by Harris to facilitate a convenient wireless transfer of data between the camera and intermediate electronic device (cellular telephone).

As to claim 33, Fukuoka teaches the portable electronic device comprises a digital camera (figure 1, column 2, lines 46-67).

As to claims 34-36, Fukuoka teaches a camera with an I/O card or transceiver to provide connection to a modern cellular telephone (figure 3, column 3, lines 27-45) but does not teach the transceiver comprises the wireless Bluetooth protocol.

Harris teaches a personal digital assistant with a built in camera capable of an IR or Bluetooth connection to a conventional cellular telephone (or landline telephone) (figure 2, column 1, line 41 to column 2, line 22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to exchange the I/O card of Fukuoka for the Bluetooth module of Harris for convenience of a wireless connection to a portable device and selecting a type of short range communication with better noise immunity.

As to claim 38, Fukuoka teaches the transceiver automatically begins transmitting the image after the image is acquired by the image capture device (figure 5, a real time monitoring system with digital camera (30) to capture and by telephone call transfer images to a remote computer (33) station, column 4, lines 15-31).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ

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